



THE CITY OF NEW YORK
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MEMO ENDORSED

September 2, 2008

VIA FACSIMILE (212) 805-6326

The Honorable Colleen McMahon
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

OK
NO MORE!

Re: *Alexander Alhovsky v. The City of New York, et al.*, 07 CV 7628 (CM)

Your Honor:

Colleen McMahon
9/3/08

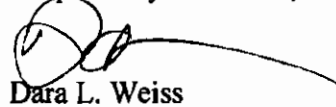
I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the City of New York, Thomas Ryan, Timothy Gaven, Samuel Panuccio, Timothy Morenzoni, Christopher Paul and Steven Goetz. I write to request a 60-day enlargement of time for defendants to file their summary judgment motion from September 12, 2008 to November 12, 2008. Plaintiff has consented to this request.

As the Court is aware, the parties were granted a brief extension of time to complete the depositions of the defendants in this matter. Five depositions went forward in mid-August, with two more to complete before the September 12, 2008 deadline. Defendants have not yet received the deposition transcripts of the five officers who were deposed, which are necessary to be able to draft a full and complete motion. Moreover, defendant Jose Alfonso was just served with the Summons and Complaint on August 19, 2008, and his Answer is not due until September 8, 2008. Although this office has not yet determined whether it will represent Mr. Alfonso, plaintiff's counsel has advised me he will be deposing Mr. Alfonso, and his testimony is also needed for defendants to make a comprehensive motion. Finally, the parties are diligently working on a settlement of the Parks Department aspect of the case, and hope to resolve it within the next few weeks. If it is not settled, the City will also move to dismiss that part of the case, but such a motion will be moot if the parties are able to reach a settlement.

No previous request for an extension of the summary judgment motion deadline has been requested. Accordingly, we respectfully request that defendants' time to move for summary judgment be extended to November 12, 2008.

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dara L. Weiss', with a long horizontal flourish extending to the right.

Dara L. Weiss
Senior Counsel

cc: Robert K. Erlanger (via facsimile)